IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

BILLY JOE ALSTATT, as brother and)
Guardian of JOHNNY ALSTATT, an)
incapacitated person,)
Plaintiff,)
v.) Case No. CIV-22-811-D
BOARD OF COUNTY COMMISSIONERS FOR OKLAHOMA COUNTY; et al.,)))
Defendants.))

ORDER

On January 11, 2023, Plaintiff timely filed his Amended Complaint [Doc. No. 35] as directed by the Court. *See* Order on Motion to Quash and Motion to Correct Party [Doc. No. 34]. This amendment "supersedes the original and renders it of no legal effect." *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); *see Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Accordingly, Defendants' pending motions to dismiss under Fed. R. Civ. P. 12(b)(6), which challenge the sufficiency of the original Complaint, are moot.¹

IT IS THEREFORE ORDERED that the Motion to Dismiss of Defendant Board of County Commissioners of Oklahoma County [Doc. No. 12] and the Joint Motion to

¹ The motions also assert defenses under Fed. R. Civ. P. 12(b)(1) and, to this extent, are not moot. For clarity of the record, however, the Court declines to address only parts of the motions and decide them piecemeal.

Dismiss of Defendants Carrie Blumert, Kevin Calvey, and Brian Maughan [Doc. No. 13] are **DENIED** without prejudice to resubmission, as appropriate, in response to the Amended Complaint.

IT IS SO ORDERED this 13th day of January, 2023.

ΓΙΜΟΤΗΥ D. DeGIUSTI

Chief United States District Judge